

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.4621 of 2015

Premprakash Sharma, S/o Shri Shyam Lal Sharma, aged about 20 years,
R/o Murra Bhatthi, Police Station Gudiyari, Raipur, Tahsil and District
Raipur (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, police of Police
Station Ganj, District Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Pushpendra Kumar Patel, Advocate.
For Non-applicant:	Mr. Om Prakash Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

07/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.102/2015, registered at Police Station Ganj, Distt. Raipur, for the offence punishable under Sections 294, 323, 506B, 307, 147 and 148 read with Section 149 of the IPC.
2. Case of the prosecution, in brief, is that the applicant along with four other co-accused persons assaulted victims – Sukhraj Singh, Avtar Singh & Rupendra Singh, by knife and also abused and threatened them by which they suffered grievous injuries which were sufficient to cause death.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime and he is in jail since 20-6-2015. He further submits that there is no role of the present applicant in the offence in question, he has been falsely implicated as knife is seized from co-accused Mohd. Shabbir and nothing has been

seized from the present applicant, merely because he is alleged to be present on the spot i.e. the offence in question, he has been implicated and detained in jail. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that knife has been seized from the possession of Mohd. Shabbir and injuries are grievous in nature.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, the fact that no weapon has been seized from the possession of the present applicant, pre-trial detention of the applicant and charge-sheet has already been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge